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*erroneously sued as* LIBERTY MUTUAL INSURANCE  
and LIBERTY MUTUAL INSURANCE CORPORATION

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

DARLENE CARTER, an individual; and	)	CASE NO.: 2:19-cv-01779-APG-BNW
DAVID BIANCO, an individual	)	
	)	STIPULATION AND ORDER FOR
Plaintiffs,	)	FORTY-FIVE (45) DAY EXTENSION OF
	)	DATES WITHIN SCHEDULING ORDER
vs.	)	
	)	[FOURTH REQUEST]
LIBERTY MUTUAL INSURANCE, a foreign	)	
entity, LIBERTY INSURANCE	)	
CORPORATION, a foreign corporation,	)	
DOES I –X, ROE CORPORATIONS I-X,	)	
inclusive,	)	
	)	
Defendants.	)	

**COME NOW**, Defendant, LIBERTY INSURANCE CORPORATION *erroneously sued as* LIBERTY MUTUAL INSURANCE and LIBERTY MUTUAL INSURANCE CORPORATION (hereinafter also referred to as “Liberty Mutual” or “Defendant”), by and through its attorneys, the law firm of KOELLER, NEBEKER, CARLSON & HALUCK, LLP, and Plaintiffs, DARLENE CARTER and DAVID BIANCO (hereinafter “Plaintiffs”), by and through their attorneys of record, Steven Mack, Esq., of GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP and hereby submit this joint stipulated request to extend the time for the remaining discovery deadlines by forty-five (45) days.

As an initial matter, the parties specifically note for the Court the instant request to extend time and discovery is in direct response to impacts upon witness availability.

1       **A. Statement of Completed Discovery.**

2       The parties have performed initial disclosures of witnesses and documents as well as  
3 supplemental disclosures of documents that were obtained via subpoenas to non-parties. The  
4 Defendant served subpoenas for records from the Custodian of Records for non-parties  
5 Affordable Home Services d/b/a D Best Plumbing, Ariat Roofing, Inc., Belfor USA Group,  
6 Inc., City of Las Vegas Department of Building & Safety, DALLASWHITE Corporation,  
7 Desert Home Electric, Eco Electric, FieldAware, Innovation Group, Nevada Contractors Board,  
8 TLC Roof Services, and Williams Electric. Of the non-parties served with subpoenas,  
9 Affordable Home Services d/b/a D Best Plumbing, Belfor USA, City of Las Vegas Department  
10 of Building and Safety, DALLASWHITE Corporation, Desert Home Electric, Eco Electric,  
11 FieldAware, Innovation Group, TLC Roof Services, and Williams Electric have responded and  
12 provided documents. The parties subject to subpoenas requested extensions of time to respond  
13 to provide documents, resulting in delayed receipt of materials. All of the documents received  
14 in response to subpoenas have been produced to Plaintiffs. Defendant has also deposed Plaintiff  
15 David Bianco, and has requested to depose Plaintiff Darlene Carter and Plaintiffs' experts.

16       Plaintiffs also served interrogatories and requests for production of documents, and  
17 responses have been served. Plaintiffs and Defendant have also retained litigation consultants;  
18 Plaintiffs have also served subpoenas on Innovative, Belfor and Dallaswhite. Plaintiffs have  
19 also conducted multiple depositions including Innovative representatives, Belfor  
20 representatives, Dallswhite representatives, Defendant's experts, and Defendant's  
21 representative, August Nardoni. Plaintiffs have also requested the depositions of Liberty  
22 Insurance Corporation employees, Matt Degelormo, and Wanda Chambers.

23       **B. Statement of Discovery that Remains to be Completed.**

24       Depositions of Plaintiff Darlene Carter and litigation consultants are anticipated as well  
25 as the depositions set and yet to be held by Plaintiffs as referenced above. Entities involved  
26 with the observation, evaluation, restoration, and repair cost estimates may be deposed,  
27 although the number of such depositions may be reduced by the outcome of expert consulting  
28 and opinions.

1 Plaintiffs also anticipate deposition of party affiliates, including representative of the  
2 Nevada State Contractor's Board as well as the City of Las Vegas Inspector.

3 Further, it is anticipated that the experts will be updating their reports after the  
4 depositions are completed.

5 **C. Statement Supporting the Necessity of Extending Dates within the Scheduling**  
6 **Order.**

7 The extension of time is requested to accommodate both parties' adherence to guidance  
8 of the Center for Disease Control and the Court for implementation of restrictions to avoid  
9 spread and contraction of spread of COVID-19. The extension is also specifically necessary to  
10 accommodate rescheduling of depositions and discovery previously scheduled by Plaintiffs and  
11 allow for the scheduling of Plaintiff Darlene Carter and Plaintiffs' designated experts. In  
12 particular Plaintiffs have scheduled depositions for Matt Degelormo and Wanda Chambers.  
13 These depositions have been delayed due to efforts to coordinate out-of-state depositions for  
14 remote appearance for the parties and attorneys to avoid travel. The additional time the parties  
15 jointly request herein is intended to accommodate the anticipated delay, but the parties  
16 nonetheless also note they are aware of some potential that additional delays and resulting  
17 requests for further extensions may precipitate if meeting/deposition restrictions and guidance  
18 for avoidance are also extended. Additionally, the extension of time allows for Defendant to  
19 request the depositions of Plaintiff Darlene Carter and Plaintiffs' designated experts.

20 **D. Proposed Revised Schedule**

21 With a forty-five (45) day discovery extension of the remaining discovery deadlines, as  
22 well as the total time for discovery, the new discovery cut-off date will be **December 18, 2020**.  
23 The Parties propose to extend the remaining discovery deadlines in this case by forty-five (45)  
24 days, and the resulting changes to the scheduling order will result in the following:

25 Close of Discovery: Currently, the close of discovery is November 6, 2020. The  
26 proposed cut-off date is **December 18, 2020**, although expert report updates could  
27 extend beyond this date depending on the completion of the depositions.

28 ///

Dispositive Motions: Dispositive motions will be made no later than **January 19, 2021**, which does not exceed the outside limit of thirty (30) days following the discovery cut-off date that LR26-1(b)(4) presumptively sets for filing dispositive motions.

Pretrial Order: The Joint Pretrial Order shall be filed by **February 16, 2021**, which is no later than thirty (30) days after the date set for the filing of dispositive motions.

DATED this 3<sup>rd</sup> day of November, 2020.

DATED this 3<sup>rd</sup> day of November, 2020.

KOELLER, NEBEKER, CARLSON  
& HALUCK, LLP

GIBBS GIDEN LOCHER TURNER  
SENET & WITTBRODT LLP

By: /s/Nathaniel T. Collins

By: /s/Steven Mack

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BIANCO

IT IS ORDERED that ECF No. 25 is GRANTED. However, the parties are advised that they have already been given a lengthy period in which to complete discovery. Accordingly, the parties must make every effort to complete discovery in this period. The Court will not be inclined to continue to grant discovery extensions.

Respectfully Submitted by:

KOELLER, NEBEKER CARLSON  
& HALUCK, LLP

By: /s/ Nathaniel T. Collins

**IT IS SO ORDERED**

**DATED:** 3:42 pm, November 04, 2020

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**BRENDA WEKSLER**  
**UNITED STATES MAGISTRATE JUDGE**